

Chairman Rod Johnson called the regularly scheduled meeting to order at 10:01 a.m. with Commissioners Boyle, Johnson, Landis, Schram and Vap present. Chairman Johnson also invited the public to address the Commission at any point during the meeting. He also announced that a copy of the Nebraska Open Meetings Act was available in the meeting room.

GENERAL ADMINISTRATION

Notice was duly published March 27, 2007 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held April 3, 2007 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, April 3, 2007:

M-14131 Commission Hearing Room, Lincoln.
1:45 In the Matter of Mark Breiner, Director, Motor Transportation Department vs. S & B Enterprises, d/b/a Apartment Movers, Omaha. Commissioner Boyle presiding as Hearing Officer.

MR-1009/ Commission Hearing Room, Lincoln.
PI-70 In the Matter of the Commission, on its own motion, regarding Tariffs 7F and 22. Commissioner Johnson presiding as
2:30 Hearing Officer.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission that 81 complaints were received in March, 2007. She reported that 54 were wireline and 27 wireless. The complaints were categorized as follows: 38 billing, 31 service and 12 miscellaneous issues.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting the applications for AD-380r and AD-381r. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

AD-380r In the Matter of Windham Professionals, Inc., Salem, New Hampshire, seeking authority to connect an automatic dialing-announcing device.

AD-381r In the Matter of Windham Professionals, Inc., Salem, New Hampshire, seeking authority to connect an automatic dialing-announcing device.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3756 In the Matter of Qwest Corporation, Denver, Colorado, and Long Lines Siouxland, LLC, Sergeant Bluff, Iowa, seeking approval of their Interconnection Agreement pursuant to 47 USC Section 252 (i): Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

E-2138 In the Matter of the Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Gene Hand reported and Commissioners discussed whether the Telecommunications Relay System (TRS) contract with Hamilton Telecommunications should be extended two more years pursuant to the terms proposed by Hamilton.

Gene Hand discussed the appointment of a new member to the Nebraska Internet Enhancement Fund (NIEF) Advisory Board to replace the seat vacated by Phil Bryant. The deadline to submit applications was March 15, 2007: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to appoint John Jordison to represent local exchange carriers on the NIEF Advisory Board. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-023.16 In the Matter of Dakota County/South Sioux City, Public Safety Answering Point, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order approving the equipment funding request. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.55 In the Matter of Stanton County, Stanton, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order incorporating prior dockets. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Jeff Pursley informed the Commission that the next Wireless E-911 Advisory Board meeting is scheduled for May 14, 2007 at 10:00 a.m. in the Commission Library, Lincoln.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Jeff Pursley discussed the draft of a letter to all wireless carriers regarding compliance with testing procedures.

NUSF-7.07 In the Matter of Qwest Corporation, Denver, Colorado, seeking issuance by the Commission of an order waiving certain requirements in the opinion and findings in Application C-1628/NUSF, associated with the NUSF support calculation in the transition period: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order to approve shifting approved funds between job codes. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-32.06 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to comply with Commission rules or orders and to impose administrative fines: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order dismissing Primus Communications from this proceeding and canceling the hearing previously scheduled for May 22, 2007. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-57 In the Matter of the Commission, on its own motion, seeking to administer the Nebraska Telehealth Program: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order approving the requested funding allocations. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-62 In the Matter of the Commission, on its own motion, seeking show cause from Qwest Corporation, Denver, Colorado, as to why it's Nebraska eligible telecommunications carrier designation relating to the Nebraska Telehealth Program should not be revoked: Jeff Pursley discussed correspondence received from hospitals participating in the Telehealth Program.

Jeff Pursley reported on the NUSF Late-Filed Carrier Remittances: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to levy late fees against Budget Phone, American Messaging Services and Trinsic Communications, and that complaints be opened against Action Communications Andiamo Telecom, and 1-800-Reconex, Inc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 13, Modular Housing Unit Construction Rules and Regulations, to amend Sections 002.05A, #168 002.05B, and 005.01 related to the placement of state seals and seal fees: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter a Certificate of Adoption. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis voting NAY.

LEGISLATIVE REPORT

Nichole Underhill reported on the status of legislation affecting the Commission.

TRANSPORTATION DEPARTMENT

B-1503 In the Matter of Top Star Services, LLC, Weeping Water, seeking revocation and cancellation of the common carrier authority in Certificate B-1503: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order revoking the authority in B-1503. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1653 In the Matter of Juvenile Re-entry Community Program, Inc., d/b/a Community Van Services, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in open class service by vans between points in Douglas, Sarpy, Cass and Washington counties, on the one hand, and, on the other hand, points between said counties: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order dismissing the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

M-14194 In the Matter of Davis Patterson, d/b/a Patt's Moving Center, Fremont, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods within 150 mile radius of Fremont: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an Order Nunc Pro Tunc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

MCC-3159 In the Matter of Mark J. Breiner, Director, Motor Transportation, Lincoln, vs. A-1 Limousine Services, LLC, A-1 Transportation, LLC, Prince & Princess Limousine Service, Top Star Services, LLC, Choice Medical Transportation, Miracle Movers, Nebraskaland Moving & Storage and Transfer 88. Commissioner Schram presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint and canceling the hearing previously scheduled for April 3, 2007. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

LR-280 In the Matter of Karl Riggs, d/b/a Kountry Limousine Company, Bennington, seeking authority to set its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis voting NAY.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was increased to 72 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-1119 In the Matter of Trotter, Incorporated, Arcadia: John Fecht discussed the shortage of oats.

GW-2125 In the Matter of Straussville Grain, Inc., Straussville: John Fecht discussed the shortage of shortage of corn

GW-1883 In the Matter of John A. Fecht, Director, Warehouse
GWC-419 Department, Complainant v. Salem Grain Co., Inc., Salem, Defendant: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter a order to show cause and schedule a hearing for May 15, 2007, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Landis was appointed as Hearing Officer.

GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to grant the Executive Director's recommendation to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Robert Hotz	\$	6,250.00
Fred Massing		1,008.61
Kent Pribyl		1,100.21
Anne Boyle		523.80
Rod Johnson		506.34
Tim Schram		296.82

Andy Pollock updated the Commission on the office renovation.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 13, Modular Housing Unit Construction Rules and Regulations, to amend Sections 002.05A, #168 002.05B, and 005.01 related to the placement of state seals and seal fees: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to reconsider original vote. Motion passed with Commissioners Anne Boyle, Frank Landis, Rod Johnson, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter a Certificate of Adoption. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis voting NAY.

The meeting adjourned at 10:52 a.m. with Commissioners Boyle, Johnson, Landis, Schram and Vap present. The next regularly scheduled meeting will be held on April 10, 2007, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on April 9, 2007.

Chairman

Executive Director